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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Question of the death penalty

Letter dated 31 March 1998 addressed to the Chairman of the Commission on Human Rights by the delegations of Algeria, Antigua and Barbuda, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Burundi, China, Democratic Republic of the Congo, Egypt, Ghana, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nigeria, Oman, Philippines, Qatar, Rwanda, Saudi Arabia, Singapore, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, United Republic of Tanzania, United Arab Emirates, Viet Nam and Yemen

GE.98-11537 (E)

1. The participating delegations would like to refer to the draft resolution contained in E/CN.4/1998/L.12 relating to the question of the death penalty circulated by the Italian delegation, as well as the joint statement contained in ECOSOC document E/1997/106, in which 34 delegations stated their reservations on an essentially similar resolution tabled at the fifty-third session.

2. We remain of the view that it is the right of every country to determine the appropriate legal measures and penalties, according to established legal systems or religious or constitutional requirements, that would effectively combat the most serious crimes so as to best preserve and safeguard the rights and interests of its citizens.

3. Furthermore, there is no international consensus that capital punishment should be abolished. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes".

4. It is a fact that on the issue of the death penalty, there are diametrically opposing views. These differences are rooted deeply in religions, legal systems of societies and their different approaches to punishment. Given the above, the draft resolution, in its insistence on imposing only one view, fails to recognize the principle and spirit of cooperation, understanding and mutual respect for different legal systems, religious beliefs and democratic will of the people.

5. We are of the view that a constructive dialogue and understanding between different legal systems are needed to resolve the divergence of views on this contentious issue.

6. We would request that this letter be circulated as an official document of the fifty-fourth session.